

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

HARRIS PICTURES LLC,

Plaintiff

v.

MICHAEL SIMON,

Defendant

Case No.: 2:24-cv-01611-APG-BNW

Order

I previously ordered plaintiff Harris Pictures LLC to show cause why this case should not be dismissed for lack of subject matter jurisdiction because there was no federal question jurisdiction, and I could not determine Harris Pictures' citizenship for diversity jurisdiction purposes. ECF No. 6. I also advised Harris Pictures that it could not appear in federal court without an attorney. *Id.* at 2.

In response, Harris Pictures states that it has a single member, Tyler Harris, who is a Nevada resident. Harris Pictures thus has satisfied the order to show cause that there is complete diversity between the parties. As to the attorney issue, Harris Pictures states that it cannot afford a lawyer and asks to amend the complaint to substitute Tyler Harris as the plaintiff.

Under Federal Rule of Civil Procedure 17(a)(1), an "action must be prosecuted in the name of the real party in interest." Thus, if Tyler Harris is the proper party to assert the claims in the complaint, then he may amend the complaint to substitute himself as the plaintiff.

I THEREFORE ORDER that the second order to show cause (ECF No. 6) is satisfied, and I will not dismiss this case for lack of subject matter jurisdiction.

DATED this 18th day of September, 2024.



ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE